

**Effective 5/13/2014**

**13-34a-203 Nonprofit postsecondary school -- Procedure to obtain certificate of postsecondary state authorization.**

- (1) The division shall, in accordance with the provisions of this section, issue a certificate of postsecondary state authorization to a postsecondary school that:
  - (a) is a nonprofit postsecondary school; and
  - (b) has operated as a nonprofit for at least 20 years.
- (2) To obtain a certificate of postsecondary state authorization under this section, a postsecondary school shall:
  - (a) submit a completed registration form to the division that:
    - (i) for a nonprofit, private postsecondary school, includes:
      - (A) a copy of the private postsecondary school's articles of incorporation;
      - (B) documentation from the United States Internal Revenue Service that demonstrates that the private postsecondary school has nonprofit status, and that the private postsecondary school has had nonprofit status for at least 20 consecutive years from the day on which the private postsecondary school submits the completed registration form; and
      - (C) satisfactory documentation that the private postsecondary school has complied with the complaint process requirements described in Section 13-34a-206; or
    - (ii) for a nonprofit, public postsecondary school, includes:
      - (A) documentation sufficient to demonstrate that the public postsecondary school has operated as a nonprofit for at least 20 consecutive years from the day on which the public postsecondary school submits the completed registration form; and
      - (B) satisfactory documentation that the public postsecondary school has complied with the complaint process requirements described in Section 13-34a-206; and
  - (b) pay a nonrefundable fee, established by the division, in accordance with Subsection 13-34a-103(2)(c) to pay for the cost of processing the registration form and issuing the certificate of postsecondary state authorization.
- (3) The division shall develop and make available to the public:
  - (a) a registration form for nonprofit, private postsecondary schools, as described in Subsection (2)(a)(i); and
  - (b) a registration form for nonprofit, public postsecondary schools, as described in Subsection (2)(a)(ii).
- (4) The division shall deposit money that the division receives under Subsection (2)(b) into the Commerce Service Account, created in Section 13-1-2.
- (5) If there is a change in circumstance that may affect a postsecondary school's status under this section, the postsecondary school shall notify the division in writing of the change within 30 days after the day on which the change occurs.
- (6) A certificate of postsecondary state authorization issued under this section:
  - (a) establishes a postsecondary school by name as an educational institution, as described in 34 C.F.R. Sec. 600.9(a)(1)(i);
  - (b) makes a postsecondary school independent of the state system of higher education; and
  - (c) authorizes a postsecondary school to operate educational programs in the state that are beyond secondary education, including programs that lead to a degree or certificate.

Enacted by Chapter 360, 2014 General Session